

STATE OF SOUTH CAROLINA,
COUNTY OF CLARENDON,

FEB. 3, 2016

Willie E. Dow, S.C.D.C. #326446,
Petitioner.

RECEIVED

FEB 08 2016

V.

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,
Respondent.

IN THE SUPREME COURT,
Appeal from Clarendon County,
William Jeffrey Young, Circuit
Court Judge.

Appellate Case No. 2015-000933

Pro Se Respondent of Willie Dow

WANDA H. CARTER
Deputy Chief Appellate Defender.
South Carolina Commission on
Indigent Defense.

Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589.

ATTORNEY FOR PETITIONER.

ALAN WILSON
Attorney General

Daniel Gourley
Assistant Attorney
General.

P.O. Box 11549
Columbia, S.C. 29211

Attorneys for Respondent

To Whom it may concern,

I am writing this response to the petition for Writ of certiorari because I feel that some very important facts have been left out, and because I feel that the judge erroneously ruled against me in my P.C.R. hearing.

In the transcript of my plea hearing on pg 9, lines 6-9, it is admitted that I was not served with a warrant for 1st degree CSC, until the morning of my plea deal, this warrant copy attached was not signed by a judge, and carried the same warrant number as the charge of 2nd degree CSC, this verifies at least part of my testimony in the P.C.R. hearing, yet in P.C.R. findings the judge says that I am not credible but my attorney is credible.

This evidence, clearly in the record, also demonstrates that I was clearly coerced into the plea by an illegal warrant, where is the warrant for 2nd degree CSC, I have tried to get a copy but all I come up with when I write is the unsigned warrant for 1st degree CSC, I was indicted and coerced vindictively to plea to 2nd degree CSC, was it not processed?

On page 58, lines 22-25, pg 59 line 1 of the P.C.R. hearing transcript, Debbie Butcher testified that she met with me, Willie Dow, 3 times, however since the former attorney Harry Devoe's motion to be dismissed was not even presented to the court until 3:20 pm,

(Pg 2)

on January 28th the day before my coerced plea, on Jan 29th this seems highly unlikely, also if she met with me 3 times it would seem she would have at least made some notes and have a file, she testified on pg 59 lines 2-4, that she used the solicitor's file.

Yet the Court finds on page 68 that counsel's testimony is credible while applicant's is not credible, in addition to this Ms. Butcher constantly says she can't remember, how can she be more credible as a witness if she admits she has no file, no notes and can't remember, than I am as a man facing a life changing legal ordeal! I can remember!

It is also interesting to me that the only warrant for 1st degree CSC has the same number as the one for 2nd degree CSC yet with a description of 1st degree, but was never signed by a judge, this presents proof that something was not completely above board during the whole of the plea, but if the warrant was not-processed, why do I always get the warrant for 1st degree when I write to get the warrant for 2nd degree, which is what I was indicted on pg. 51, 23-25. See attachment 1 to pro-se response.

Since Ms. Butcher was aware of the 2 warrants with the same number, pg. 61, 5-7 why would she not have been suspicious? Why would she not have wanted this cleared

(Pg. 3)

up before the plea? yet the judge claims on page 68 that I failed to prove ineffective assistance of Counsel; also with a warrant for CSC 1st degree unsigned the counsel advised me to take a plea, using an unsigned warrant as leverage to coerce me into taking a plea or face life in prison.

The P.C.R. Court finds this as reasonable and effective, I disagree, the denial of any prejudice when I was coerced into signing a plea with a bogus warrant and stating that just because I didn't receive a maximum sentence for my coerced plea is wrong, when I pleaded I was under distress and coercion and had no idea whether I would receive the maximum 20 years or not I believe this to be a false inference.

I feel that I was subjected to this coercion and plea due to the nature of the charge, threatening me with a life sentence to coerce me into signing for a lesser sentence is just wrong.

Respectfully Submitted.
Willie E. Dow

Willie E. Dow #326446
Turbeville Correctional Inst
P.O. Box 252, CA-128
Turbeville, S.C. 29162
(Pg 4)

ARREST WARRANT

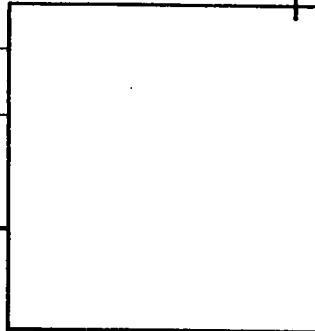
J-124376

STATE OF SOUTH CAROLINA

County/ Municipality of CLARENDON

THE STATE

against



WILLIE E. DOW

Address: DUDIE CT.

MANNING SC 29102

Phone: 473-5026 SSN:

Sex: M Race: B Height: 5-8 Weight: 180

DL State: SC DL#: 008216663

DOB: 08/03/1960 Agency ORI#: SC0140000

Prosecuting Agency: CLARENDON COUNTY

Prosecuting Officer:

Offense: CSC, VICTIM UNDER 11 YRS OF AGE,

1ST DEGREE Offense Code: 0385

Code/Ordinance Sec. 16-03-0655(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant WILLIE E. DOW

on 12-1-07

Signature of Constable/Law Enforcement Officer Scott Ellison

RETURN WARRANT TO:

JUDGE P.B. HARVIN, JR. 102 SOUTH MILL STREET P. O. BOX 371 MANNING, SC 29102

STATE OF SOUTH CAROLINA

County/ Municipality of

CLARENDON

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant SGT G.D. CUTTLER who

being duly sworn deposes and says that defendant WILLIE E. DOW

did within this county and state on 02/17/2007 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of CLARENDON)

in the following particulars:

DESCRIPTION OF OFFENSE: 16-03-0655(1) / CSC, VICTIM UNDER 11 YRS OF AGE, 1ST DEGREE

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN FEBRUARY 1, 2007 TO APRIL 17, 2007, IN THE COUNTY OF CLARENDON, SOUTH CAROLINA, SAID DEFENDANT, WILLIE E. DOW, DID COMMIT THE CRIME OF CRIMINAL SEXUAL CONDUCT OF A MINOR BY FORCE AND INTIMIDATION. IN VIOLATION OF SOUTH CAROLINA LAW, 16-3-655 ON A JUVENILE FEMALE. INVESTIGATION BY CLARENDON COUNTY SHERIFF'S OFFICE TO PROVE SAME. CCSO # 07042442

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

DATE 12/29/08

Signature of Clerk of Court Beulah S. Roberts CLERK OF COURT CLARENDON COUNTY, SC

Signature of Affiant

Affiant's Address 217 COMMERCE STREET

MANNING SC 29102

Affiant's Telephone 803-435-4414

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 02/17/2007 defendant WILLIE E. DOW

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of CLARENDON) as set forth below:

DESCRIPTION OF OFFENSE: SEX / CRIMINAL SEXUAL CONDUCT WITH MINOR - VICTIM UNDER 11 YRS OF AGE - FIRST DEGREE

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 11/21/2007

R. J. AYCOCK (L.S.)

Signature of Judge

Judge Code: 048

Judge's Address P. O. BOX 371

MANNING SC 29102

Judge's Telephone 435-2670

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Case: 07042442

COUNTY OF CLARENDON

STATE

VS.

WILLIE E DOW

AKA:

Race: Black

Sex: Male

DOB: August 03, 1960

SS#:

Address: 1108 Dudie Court Manning, SC 29102

DL#

SID#

CERTIFIED TRUE COPY OF ORIGINAL FILED IN THIS OFFICE

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008-GS-14-0013

DATE: 1/29/08

Branch S. Roberts J124376

CLERK OF COURT Date of Offense: February 17, 2007

Age: 37 CLARENDON COUNTY, S.C. Code §: 16-03-0655(1)

CDR Code #: 0385

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was [] CONVICTED OF or [X] PLEADS TO:

Criminal Sexual Conduct of a minor - 2nd degree

in violation of § 16-3-63 of the S.C. Code of Laws, bearing CDR Code # 0131917

[] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] MOST SERIOUS [] Mandatory GPS (CSC w/minor 1st or Lewd Act) [] §17-25-45

The charge is: [X] As Indicted; [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (Defendant initial) The plea is: [X] Without Negotiations or Recommendation, [] Negotiated Sentence, [] Recommendation by the State.

ATTEST:

[Signature]

Willie E Dow

[Signature]

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center,

for a determinate term of 18 days/months/years or [] under the Youthful Offender Act not to exceed ___ years

and/or to pay a fine of \$ ___; provided that upon the service of ___ days/months/years and/or payment of \$ ___; plus

costs and assessments as applicable*; the balance is suspended with probation for ___ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[] CONCURRENT or [] CONSECUTIVE to sentence on: _____

[X] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

[] The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred, [] Defendant Waives Hearing, [] Ordered

Total: \$ ___ plus 20% fee: \$ ___

Payment Terms: _____

[] set by SCDPPPS _____

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ ___ beginning _____

\$ ___ paid to Public Defender Fund

Other: _____

[] Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Recipient: _____

*Fine:

§14-1-206 (Assessments 107.5%)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$3.75
TOTAL	\$	\$128.75

B. Roberts

Clerk of Court/ Deputy Clerk

Court Reporter: Pamela Ozmot-Carter

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 1/29/08

[Signature]

RECEIVED BY *af*
DEC 20 2007
OFFICE OF SOLICITOR
3RD JUDICIAL CIRCUIT, CLARENDON

GENERAL SESSIONS DOCKET REPORT FOR CLARENDON COUNTY

REPORT RUN DATE - 12/20/2007

INDICTMENT NUMBER: 2008GS14 - 13

DEFENDANT NAME: DOW, WILLIE E AKA:

ADDRESS: DUDIE CT CITY: MANNING STATE: SC ZIP 29102

SOCIAL SECURITY NUMBER: 888-88-8888 SEX: 1 MALE RACE: 2 BLACK

DATE OF BIRTH: 08/03/1960 DRIVERS LICENSE STATE / NO.: /

MARITAL STATUS:

WARRANT OR TICKET NUMBER: J124376 COUNTS: 01 OFFENSE CODE: 0385

NO WARRANT? 0 NAME OF OFFENSE: SEX / CRIMINAL

DATE OF ARREST: 12/01/2007 DATE RECD BY CLERK: 12/12/2007

SUMMARY JUDGE:

DISP DATE: ^{1/29/08} ~~00/00/0000~~ DISP TYPE: 1

DISP TYPE EXPLANATION:

JUDGE CODE/NAME: *Cothran* COURT REPORTER: *Cartee*

CONVICTION: CTS: ~~00~~ / OFFENSE: ³⁹⁷ 0000 *c/s/c w/minor - 2nd degree*

SENTENCE: *18 yrs.*

DEFENSE ATTORNEY: *Koon* PROSECUTING ATTORNEY: *Land*

Willie Dow
326446 / Seloc A - 128
Turbeville Cor Inst
P.O. BOX 252
Turbeville, SC 29162

RECEIVED
FEB 03 2016
MAILROOM
TURBEVILLE CI

THE SUPREME COURT OF SC
ATTN: Clerk of Court
P.O. BOX 11330
Columbia, SC 29211

LEGAL MAIL

UNITED STATES POSTAGE
02 1R
0002009326
MAILED FROM ZIP CODE 29162
PRINCE HOWES
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FEB 03 2016

